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Our Case No. 8285/314

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Robert W. Bossemeyer, Jr. et al.)	
)	Examiner: Igor N. Borissov
Serial No. 09/407,126)	
)	Group Art Unit No. 3639
Filing Date: September 27, 1999)	
)	
For METHOD, SYSTEM, AND ARTICLE)	
FOR DETERMINING AN)	
AVAILABILITY OF A)	
TELECOMMUNICATION FEATURE)	

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandra, VA 22313-1450

Dear Sir:

Applicants request review of the final rejection that was mailed January 25, 2007 in the above-identified application. No amendments to the claims are being filed with this request.

This request is being filed with a notice of appeal

The review is requested for the reasons stated on the attached sheets. No more than five (5) pages are provided.

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REMARKS

I. Introduction

Claims 1-3, 5-12, 14-19 and 21-30 are pending in the application. In the Office Action dated January 25, 2007, the Office Action maintained the rejection of claims 1-3, 5-12, 14-19 and 21-30 under 35 U.S.C. § 103(a) as being unpatentable over Alcott (U.S. Patent No. 6,324,273) in view of Mujmudar et al. (U.S. Patent No. 4,897,866).

II. The Office Action does not correctly address missing elements of the claims

A. Claim 1

Claim 1 recites a method, such as to inform a first party of a newly added telecommunication feature to the telecommunication network, where the method places “a call to the first party to inform the first party that the first telecommunication feature has become available, wherein placing the call to inform the first party that the first telecommunication feature has become available occurs before the first party has subscribed to the first telecommunication feature.” Claim 1 also recites placing the call to the first party “in response to the inquiring in the first transaction, the upgrading the portion of the telecommunication network, and the processing of the first data structure and the availability data, wherein the first party has the opportunity to subscribe to the first telecommunication feature after the call is placed.” Also, “In accordance with upgrading the portion of the telecommunication network which serves the first party,” availability data is input “which indicates an availability of the first telecommunication feature to the portion of the telecommunication network which serves the first party.” Moreover, “In response to upgrading the portion of the telecommunication network which serves the first party,” the first data structure and the availability data is processed “to determine that the first telecommunication feature has become available to the first party.

Alcott relates to ordering a telecommunication service via a network enabled platform, using touch keys. The Office Action correctly states that Alcott does not teach at least informing the first party that a previously unavailable telecommunication feature has become available, wherein the informing occurs in response to the upgrading the portion of the communication network and the processing of the first data structure and

the availability data. The Office Action is incorrect that Majmudar fills the gaps left by Alcott.

Mujmudar et al. relates to an interface arrangement for allowing a subscriber to select telephone features from a subscriber terminal using a touch screen. The terminal in response to a touching of the appropriate area of the screen displays a list of possible telephone features available to the subscriber terminal together with an indication of currently subscribed features. Among other features, the claims recite 'inquiring' about a telecommunication feature 'unavailable' to the party. The selected feature in Mujmudar is clearly 'available' to the party. Further, neither reference, alone or in combination, discloses informing a first party of a new feature by placing a call 'to' the first party. In addition, Claim 1 recite that "placing the call to inform the first party that the first telecommunication feature has become available occurs before the first party has subscribed to the first telecommunication feature." Neither reference discloses such features. For at least these reasons, Applicants respectfully request review of the final rejection directed against the current application and withdrawal of the rejections against the claims.

B. Claim 9

Claim 9 recites a method where a first party is informed, "in the first call, that the first telecommunication feature is unavailable to the first party." Second and third calls are also made by second and third parties. The first party, "after the first call, the second call, and the third call have terminated," is notified "in a fourth call that the first telecommunication feature has become available to the first party by placing a call to the first party." In addition, notification to the first party "that the first telecommunication feature has become available occurs before the first party has subscribed to the first telecommunication feature." Moreover, "The placing of the call to the first party occurs in response to the receiving of the first call, the second call and the third call, the upgrading the portion of the telecommunication network, and the processing of the first data structure, the second data structure, the third data structure and the availability data." "The first party has the opportunity to subscribe to the first telecommunication feature after the fourth call is placed." As discussed above, neither Alcott nor Majmudar et al., alone or in combination, disclose or suggest at least these features. For at least these

reasons, Applicants respectfully request review of the final rejection directed against the current application and withdrawal of the rejections against the claims.

C. Claim 10

Claim 10 recites an apparatus with a database “which identifies a first party of a telecommunication network and a first telecommunication feature unavailable to the first party, wherein the first data structure is generated in response to a first inquiry.” A call is placed to the first party, “to inform the first party that the first telecommunication feature has become available occurs before the first party has subscribed to the first telecommunication feature.” In addition, “the placing of the call occurs in response to the first inquiry, the upgrading the portion of the telecommunication network, and the processing of the first data structure and the availability data.” “The first party has the opportunity to subscribe to the first telecommunication feature after the call is placed.” As discussed above, neither Alcott nor Majmudar et al., alone or in combination, disclose or suggest at least these features. For at least these reasons, Applicants respectfully request review of the final rejection directed against the current application and withdrawal of the rejections against the claims.

D. Claim 17

Claim 17 recites “a computer-readable medium whose contents cause a computer to store a first data structure which identifies a first party of a telecommunication network and a first telecommunication feature unavailable to the first party.” A call is placed “to inform the first party that the first telecommunication feature has become available occurs before the first party has subscribed to the first telecommunication feature.” “The placing of the call to the first party occurs in response to the storing of the first data structure, the upgrading the portion of the telecommunication network, and the processing of the first data structure and the availability data.” “The first party has the opportunity to subscribe to the first telecommunication feature after the call is placed.” As discussed above, neither Alcott nor Majmudar et al., alone or in combination, disclose or suggest at least these features. For at least these reasons, Applicants respectfully request review of the final rejection directed against the current application and withdrawal of the rejections against the claims.

III. There is No Motivation for the Proposed Combination of References

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. MPEP 2143.01. There is no motivation in Majmudar et al. to combine the touch screen terminal with the key tone system of Alcott, and vice versa, in regard to the claims. For example, there would be no motivation to incorporate a call back feature with the touch screen terminal of Majmudar et al., which only displays available features on a terminal. In addition, there is no motivation in Alcott to use a display to show telecommunication features, instead of using voice and the key pad. For at least this additional reason, Applicants respectfully request review of the final rejection and withdrawal of the rejections.

IV. Conclusion

For at least the above reasons, Applicants respectfully request review of the final rejection directed against the current application and withdrawal of the rejections against the claims.

Respectfully submitted,



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